

Minutes
Virginia Council on Human Rights
Friday, September 12, 2003
4th Floor Conference Room
Richmond, Virginia

Council Members Present: Jon D. Strother, Chairman; Christopher Peace, Alvin Edwards, Jadish Singh, Sam Garrison, and David Drachsler.

Staff Present: Dietra Y. Trent, Director; Sandra D. Norman; Assistant Director; and Gerald Snead, EEO Manager.

Guest(s) Present: Ondray T. Harris, Assistant Attorney General; and Mr. Singh

Introductions and Welcome

The Chairman called the meeting to order at 2:05 p.m. Council and staff members briefly introduced themselves.

Approval of Minutes

Chairman Strother asked if there was a motion to accept the minutes. Vice Chairman Peace made a motion to accept the minutes. Member Edwards seconded the motion and the motion carried. The minutes of June 7, 2003 meeting were approved.

Chairman Strother stated that the Chairman's Report should be re-ordered on the agenda and that the Director's report should be given first. Without objection, the Director's report was given.

Director's Report

Director Trent welcomed the members to the meeting with special regards to the new members of the Council. She stated that she was very pleased to have the new members become a part of the Council.

Director Trent reported that although the original recommendation of the commission's study was that the Council's budget be funded at one million dollars with fourteen staff people, yet that goal has never materialized. She stated that when Governor Warner took office, he instructed agencies to take three, seven, and eight-percent budget cuts. Subsequently, agencies were instructed to take an additional fifteen percent cut. Before the reduction, the Council was at five employees with a budget of approximately \$364,000.

Director's Report Con't

Ms. Trent also reported that during last year's General Assembly session, the Council was targeted by the Wilder Commission to be abolished and the functions to be transferred to the office of the Attorney General. The end result of the session was that the Council would remain an independent agency, our budget would be cut significantly, and two staff positions would be eliminated. The Council would also lose its rent allocation and the office would be relocated into the Attorney General's office space. The Council moved on September 8th, 2003.

Ms. Trent summarized her report by stating that the budget cuts tremendously impacted not only the Council's State allotted budget, but also the work share agreement with the Federal EEOC, and the goal of completing cases within six to nine months of acceptance. Having only one investigator for the entire state, the contract with EEOC will be reduced greatly. The agency is now in the process of negotiating the 2004 contract.

Because of the limitations of the staff and the agency's budget, she requested assistance from the board in the areas of outreach. The Director made other comments including thanking member Peace for his efforts assisting the Council with the internship program. Member Peace, who is a recent graduate of University of Richmond's law school, has been instrumental in providing names of students who are interested in interning with the Council.

Member Drachsler asked questions regarding the number of cases that are appealed. Director Trent responded that there were very few appeals and she thought there were approximately five or six. Member Drachsler asked how many cases has the Council taken to public hearing that were cause findings. Director Trent deferred her answer to Ms. Norman. Ms. Norman stated that since the inception of the Council, only three cases have gone to public hearing. The Cause determinations were overturned by the hearing officer and the cases were closed administratively. Director Trent stated that the mediations and conciliations have increased, thus these impact cases going to public hearing. If the Council finds that there is something suspect, Gerald Snead, the mediator will contact the Respondent and the matter is conciliated. Director Trent gave another scenario of the impact the budget cuts have had on the agency. Because the other investigative staff position was eliminated, if Gerald Snead mediates a case and it is unsuccessful, he cannot conduct the investigation on the case. Ms. Trent stated that Sandy Norman would have to continue the investigation, which adds to her abundance of responsibilities. Brief discussion followed regarding mediation, and Member Drachsler stated that he could assist the Council in the mediation process.

Director's Report Con't

Chairman Strother asked Director Trent to give a brief synopsis of the investigation process for the sake of the new members. Director Trent deferred those comments to Ms. Norman. Prior to Ms. Norman's comments, Member Singh asked, what should happen to a complaint if it is sent directly to a Council board member? Director Trent stated that those complaints should be forwarded to the Council's office for processing. Assistant Attorney General Ondray Harris commented additionally that the members should forward the complaints to the office as soon as possible because of the time constraints imposed on filing a complaint. Member Drachsler asked whether or not the complaints could be faxed? Mr. Harris stated that if the statutes of limitations are jeopardized, the complainant can send it facsimile; however, the complainant would need to send the original complaint as soon as possible. At this time, Ms. Norman gave a brief overview of the investigative process, and brief discussion followed regarding public hearing. Chairman Strother again reiterated that members should stay hands off with regard to receiving complaints and should send the matter to the Council's office.

Member Singh brought a concern that she had with one of her constituents who knew that she was appointed to Council's board. The person sent a certified copy to the Council's office and did not receive response from the agency. Ms. Norman thanked Member Singh for bringing the matter to the office's attention. She stated that a response will be provided to the constituent and Member Singh would be informed of its status. Ms. Norman stated that after reading the letter, the Council would forward her complaint to the appropriate agency that handles those concerns and can possibly assist her which is the Department of Fair Housing. In the letter of response, the Council will provide contact information to the constituent for that agency.

Director Trent stated that many people mistakenly confused the Council on Human Rights to be an agency that advocates for all the rights of people. However, although "Human Rights" is a part of our name the purpose of the agency is to receive and investigate complaints of discrimination in employment, education, and public accommodation places. In short, the Council is strictly an investigatory agency.

Chairman Strother welcomed Member Garrison (who arrived late) to the meeting. Member Garrison briefly introduced himself to the other members and the staff. He also stated that he finished his meeting early in Roanoke and he was happy to be able to come to his first board meeting.

The Director then introduced Mr. Ondray Harris to the board. Mr. Harris is an Assistant Attorney General that has been assigned to the agency for almost two (2) years. Director Trent stated that she was very pleased with the service that he provides to the agency. Mr. Harris gave a brief overview of his role with the agency.

Chairman's Report

The Chairman acknowledged the many resources and experiences he heard from the members and staff during their respective introductions. Chairman Strother stated that these attributes will aid in promoting the mission of the agency and human rights in general. He stated that those talents could assist in gaining the attention of the General Assembly on the changes necessary to advance the mission of the Council. Chairman Strother stated that his overall objective is to make the Council better by increasing the staff and budget and introducing viable legislation to the Council's jurisdiction. He would like to see the Council in a position where if a citizen of the Commonwealth felt that they were discriminated against, the Council would be the entity that they would think to contact first. Once the complaint has been handled and the customer is satisfied with its outcome, they will solicit others to contact the Council whenever a discriminatory practice occurs.

Chairman Strother also indicated that he would like to see the Council more involved with the Virginia Human Rights Association especially with proposing legislation.

Chairman Strother stated that board members needed to consider whether or not to keep the committees which are budget and internal rules in existence. He also stated that he had spoken with the Assistant Attorney General, Ondray Harris and Mr. Harris agreed to provide a training session for the members to give an overview of the laws applicable to the agency. Tentative dates for the next board meeting and the training session should be scheduled before the meeting is adjourned.

After brief discussion, it was decided that the Board Training should take place on Friday, October 31, 2003. Assistant Attorney General Ondray Harris will conduct the Title VII Training for all Council Members from 10:00 a.m. – 4:00 pm. The training will be held on the First Floor of the Pocahontas building located at 900 E. Main Street, Richmond, Virginia. Chairman Strother stated that this training is an essential part of enhancing our understanding of the application of the law in those matters that come before us for our review.

ELECTION OF VICE CHAIRMAN

Chairman Strother read a letter from Member Tom Knox, who was unable to attend the Council meeting, nominating Member Peace as Vice-Chairman for the Council. The letter stated that his recommendation was based on Mr. Peace's experience on the Council's board, he lives in Richmond, has always been willing to give his time to the Council, and his attendance has been exemplary. After brief discussion, the vote was unanimous and Member Peace accepted the position of Vice-Chairman.

ELECTION OF PARLIAMENTARIAN

Chairman Strother nominated Member David Drachsler as Parliamentarian for the Council. Member Strother gave a brief background of Member's Drachsler wealth of experience and outlined his working relationship over the years on matters dealing with discrimination. More discussion followed, the vote was unanimous, and Member Drachsler accepted the position of Parliamentarian.

There being no further business, the meeting stood adjourned at 4:45 p.m.

Submitted by: Sandra D. Norman on behalf of Jon D. Strother, Chairman